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8

9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-41

13 **EVANGELINE OLVERA REID**

1330 Lombardy Road  
Pasadena, CA 91106

15 Registered Nurse License No. 327658

16 Respondent.  
17

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

18 **FINDINGS OF FACT**

19 1. On or about August 3, 2007, Complainant Ruth Ann Terry, M.P.H., R.N.,  
20 in her official capacity as the Executive Officer of the Board of Registered Nursing, filed  
21 Accusation No. 2008-41 against Evangeline Olvera Reid (Respondent) before the Board of  
22 Registered Nursing.

23 2. On or about March 31, 1981, the Board of Registered Nursing (Board)  
24 issued Registered Nurse License No. 327658 to Respondent. The Registered Nurse License was  
25 in full force and effect at all times relevant to the charges brought herein and will expire on  
26 January 31, 2009, unless renewed.

27 3. On or about September 14, 2007, Louise Steinberg, an employee of the  
28 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.

1 2008-41, Statement to Respondent, Notice of Defense, Request for Discovery, and Government  
2 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,  
3 which was and is 1330 Lombardy Road, Pasadena, CA 91106. A copy of the Accusation, the  
4 related documents, and Declaration of Service are attached as **Exhibit A**, and are incorporated  
5 herein by reference.

6 4. Service of the Accusation was effective as a matter of law under the  
7 provisions of Government Code section 11505, subdivision (c).

8 5. On or about September 24, 2007, a signed Domestic Return Receipt,  
9 which was affixed to the above referenced Certified Mail package, was returned to the  
10 Department of Justice. A copy of the signed Domestic Return Receipt is attached hereto as  
11 **Exhibit B**, and is incorporated herein by reference.

12 6. Government Code section 11506 states, in pertinent part:

13 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
15 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
16 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

17 7. Respondent failed to file a Notice of Defense within 15 days after service  
18 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
19 Accusation No. 2008-41.

20 8. California Government Code section 11520 states, in pertinent part:

21 "(a) If the respondent either fails to file a notice of defense or to appear at the  
22 hearing, the agency may take action based upon the respondent's express admissions or  
23 upon other evidence and affidavits may be used as evidence without any notice to  
24 respondent."

25 9. Pursuant to its authority under Government Code section 11520, the Board  
26 finds Respondent is in default. The Board will take action without further hearing and, based on  
27 Respondent's express admissions by way of default and the evidence before it, contained in  
28 Exhibits A and B, finds that the allegations in Accusation No. 2008-41 are true.

10. The total costs for investigation and enforcement are \$1,932.25 as of October 15, 2007.

### DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Evangeline Olvera Reid has subjected her Registered Nurse License No. 327658 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation:

a. Possession and abuse of a controlled substance in violation of section 2762, subdivision (a) and (b), in that between in or about February 2002 and August 2003, while employed at LAC+USC Medical Center as a Critical Care Nurse, Respondent diverted the narcotic drug Fentanyl (morphine) from her workplace for her personal use and self-administered it via intravenous injection at home and while on duty as a nurse to the point of chemical dependency.

b. Unprofessional conduct in violation of section 2761, subdivision (a), in that Respondent demonstrated incompetence or gross negligence in carrying out usual certified or licensed nursing functions by diverting the narcotic drug Fentanyl for her personal use, as set forth in subparagraph 4(a), above.

### ORDER

IT IS SO ORDERED that Registered Nurse License No. 327658, heretofore issued to Respondent Evangeline Olvera Reid, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion

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1 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
2 statute.

3 This Decision shall become effective on January 27, 2008.

4 It is so ORDERED December 27, 2007

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6 *LaTranene N Tate*

7 FOR THE BOARD OF REGISTERED NURSING  
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10 Attachment:

11 Exhibit A: Accusation No. 2008-41, Related Documents, and Declaration of Service  
12 Exhibit B: Domestic Return Receipt  
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Exhibit A

Accusation No. 2008-41,  
Related Documents and Declaration of Service

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of the State of California  
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7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
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11 In the Matter of the Accusation Against:

Case No. 2008-41

12 **EVANGELINE OLVERA REID**

13 1330 Lombardy Road  
Pasadena, CA 91106

**A C C U S A T I O N**

14 Registered Nurse License No. 327658

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs.

22 2. On or about March 31, 1981, the Board of Registered Nursing issued  
23 Registered Nurse License Number 327658 to Evangeline Olvera Reid (Respondent). The  
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
25 herein, and will expire on January 31, 2009, unless renewed.

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1                   7.       Section 2764 of the Code provides, in pertinent part, that the expiration of  
2 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
3 against the licensee or to render a decision imposing discipline on the license. Under section  
4 2811(b) of the Code, the Board may renew an expired license at any time within eight years after  
5 the expiration.

6                   8.       Section 125.3 of the Code provides, in pertinent part, that the Board may  
7 request the administrative law judge to direct a licensee found to have committed a violation or  
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
9 and enforcement of the case.

#### 10                   **DEFINITION OF FENTANYL CITRATE**

11                   9.       Fentanyl Citrate (Morphine) is an opioid analgesic and is a Schedule II  
12 controlled substance pursuant to Health and Safety Code section 11055(c)(8) and a dangerous  
13 drug pursuant to Business and Professions Code section 4211.

#### 14                   **FIRST CAUSE FOR DISCIPLINE**

##### 15                   *(Obtain / Possess Controlled Substances)*

16                   10.       Respondent is subject to disciplinary action under sections 2762(a) and  
17 (b), in that, Respondent obtained or possessed in violation of law and administered to herself the  
18 controlled substance Fentanyl (morphine) in a manner dangerous or injurious to herself, or other  
19 persons, or the public or to the extent that such use impaired her ability to conduct with safety to  
20 the public the practice authorized by her license. The circumstances are as follows:

21                   11.       Between on or about February 2002 and July 2003, while employed at  
22 LAC+USC Medical Center as a Critical Care Nurse, Respondent diverted the narcotic drug  
23 Fentanyl (morphine) from her workplace for her personal use and self-administered it via  
24 intravenous injection at home and while on duty as a nurse to the point of chemical dependency.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 *(Unprofessional Conduct)*

3 12. Respondent is subject to disciplinary action under section 2761(a), in that,  
4 Respondent demonstrated incompetence, or gross negligence in carrying out usual certified or  
5 licensed nursing functions by diverting the narcotic drug Fentanyl for her personal use. The  
6 *circumstances are as follows:*

7 13. Between on or about February 2002 and July 2003, while employed at  
8 LAC+USC Medical Center as a Critical Care Nurse, Respondent diverted the narcotic drug  
9 Fentanyl (morphine) from her workplace for her personal use and self-administered it via  
10 intravenous injection at home and while on duty as a nurse to the point of chemical dependency.

11 **PRAYER**

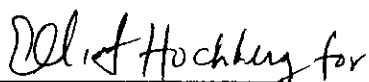
12 *WHEREFORE*, Complainant requests that a hearing be held on the matters herein  
13 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending Registered Nurse License Number 327658, issued  
15 to Evangeline Olvera Reid;

16 2. Ordering Evangeline Olvera Reid to pay the Board of Registered Nursing  
17 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
18 Professions Code section 125.3; and

19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: 8/3/07

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22   
23 RUTH ANN TERRY, M.P.H., R.N.  
24 Executive Officer  
25 Board of Registered Nursing  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant